

REMARKS

Applicants appreciate the thorough examination of the present application as is evidenced by the Action mailed February 18, 2010. Claims 1–4 and 9–18 are currently pending. Applicants respectfully request entry of the present amendment and further consideration of the present application in view of the present amendment and remarks that follow.

Support for Amendments

The amendments presented herein have been made to recite particular aspects of the invention so as to expedite the prosecution of the present application to allowance in accordance with the USPTO Patent Business Goals (65 Fed. Reg. 54603, September 8, 2000). These amendments do not represent an acquiescence or agreement with any of the outstanding rejections.

The specification is amended herein to correct inadvertent typographical errors in the last row of Table 2 and in the text of the specification at page 12. Support for this correction may be found at page 8, lines 20 and 21 of the specification. Applicants believe that these amendments adds no new matter beyond the disclosures of the application as originally filed.

New claims 19 and 20 are added herein and are directed to more particularly embodiments of what Applicants regard as the invention. Support for these new claims may be found particularly in Table 2, at page 9, lines 2–9 and in Example 1. The issues raised by the Examiner are addressed with the amendment above and the remarks below.

Claim Rejections - 35 U.S.C. § 103

Claims 1–4 and 9–18 remain rejected under 35 U.S.C. § 103(a) as being unpatentable over European Patent Application No. 9217883.6 (“Neumann et al.,” of which U.S. Patent No. 5,316,148 is the U.S. counterpart). The reasons for this rejection are set forth in the Action. Applicants respectfully traverse this rejection.

The requirements for the establishment of a *prima facie* case for obviousness have been set forth in a previous paper. The sex pheromone sustained release dispenser of the present

invention comprises polymer chambers and polymer membranes that are made of the same material which allow for uniform release of different sex pheromones to multiple insect pests. In contrast, Applicants reiterate that Neumann et al. discuss a controlled release dispenser for sex pheromones which consists of a material impermeable to the pheromone and is closed by means of a pheromone-permeable film (see, claim 1 of U.S. 5,316,148). The controlled release dispenser as set forth by Neumann et al. is clearly not made entirely of the same material. Furthermore, the disclosures of Neumann et al. clearly point out the disadvantages of preparing a sustained release dispenser in which the chambers (and membranes) are made of the same material regarding maintaining uniform release rates of different sex pheromones for two or more pests (see, col. 1, line 59–col. 2, line 7 of U.S. 5,316,148). Neumann et al. point out that if the material has been optimized for the sustained release of a particular pheromone, the rate of release of the second pheromone must then be corrected by the addition of solvents.

In contrast, the present invention provides a sustained release dispenser for sex pheromones that is made entirely of the same material and does not require the addition of additional solvents to maintain uniform release of different sex pheromone substances of different insect pests. Nevertheless, Applicants provide new claims 19 and 20, that more particularly define embodiments of the invention regarding the sex pheromone substances of the sustained release dispenser. In view of the foregoing, Applicants submit that the instant claims are patentable over Neumann et al., in that the disclosures of Neumann et al. neither teach all the elements of that which is claimed, nor provide the teaching, suggestion and motivation to make the instantly claimed invention. As such, Applicants respectfully request that the present rejection be withdrawn.

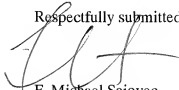
Attorney Docket No. 5576-158
In re: Hojo et al.
Application Serial No.: 10/801,229
Filed: March 16, 2004

CONCLUSION

Applicants believe that the points and concerns raised by the Examiner in the Action have been addressed in full. It is respectfully submitted that this application is in condition for allowance, which action is earnestly solicited. Should the Examiner have any remaining concerns, it is respectfully requested that the Examiner contact the undersigned Attorney at (919) 854-1400 to expedite the prosecution of this application to allowance.

A Petition for Extension of Time is required for the filing of this paper. Said petition of is filed concurrently herewith. Applicants hereby authorize the Director to charge our Deposit Account No. 50-0220 in the amount of \$490.00 for a two-month extension of time. This amount is believed to be correct. However, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,



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CERTIFICATION OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(d)(4) to the U.S. Patent and Trademark Office on July 16, 2010.

Signature: _____

Marthen Salazar